

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL J. LESH,

Civil No. C05-5723-RJB

Plaintiff,

VS.

JO ANNE B. BARNHART,
Commissioner of Social Security,

PROPOSED ORDER

Defendant

Based on the stipulation of the parties, it is hereby ORDERED that this case is REVERSED and REMANDED for further proceedings under sentence four of 42 U.S.C. § 405(g). On remand, an administrative law judge (ALJ) will:

- hold a de novo hearing;
- obtain updated records from Plaintiff's treating sources;
- re-evaluate the opinions of Dan Neims, Psy.D.;

- 1 • re-evaluate Plaintiff's mental impairment, including anger management;
- 2 • re-evaluate Plaintiff's subjective complaints, including regarding his physical limitations;
- 3 • consider all lay evidence of record;
- 4
- 5 • reconsider findings in the sequential evaluation process given the re-evaluated evidence
- 6 discussed above, including whether Plaintiff can perform the physical and mental
- 7 requirements of his past relevant work or other work; and
- 8 • obtain supplemental testimony from medical and vocational experts if warranted.

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10 Pursuant to 20 C.F.R. §§ 404.983, 416.1483, Plaintiff may submit new evidence and raise

11 any issue on remand whether or not raised previously. Plaintiff may be awarded costs pursuant to

12 28 U.S.C. § 1920 and reasonable attorney fees and expenses pursuant to the Equal Access to

13 Justice Act, 28 U.S.C. § 2412.

14 DATED this 22nd day of March, 2006.

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16 
17 Robert J. Bryan
18 U.S. District Judge

19 Recommend for Entry:

20

21 s/ Karen L. Strombom
22 UNITED STATES MAGISTRATE JUDGE

1 Presented by:

2 s/ David M. Blume

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